Previous Reference
S R. Fl. 33 - (1900-01)
Sls. 12 - 14

SECTION S. R.
FILE No. 33 - (1900-01)
SERIAL Nos 15 — 18

Condonation of ten days privilege leave ~~by Mr. Ke~~ overstayed by Mr. Kearns.

Endorsed
F. B. Thammanna.

Countermarked
Kaimuki Agt
11/5/14

Se submitted to Secretary for orders.

The rules on the subject are kept up under the circumstances reported, Mr Kearns does not lose his appt, but loses his leave allowance for the period he overstayed. He is not entitled to more leave than what he actually took.

The Ex Commr recommends that the period overstayed may be condoned as to pay and allowances

(Sd) L. A.
25.6.01

Under article 163 only absence may be condoned.

(Sd) N. V. Th.
To, the 2nd councillor.
Recd
27.6.01

Yes, our Rule 163 is exactly the same as the Rules 1261 & 2627 of the Railway Service Regulations. Mr Kearns' case comes under the Railway Regulations (vide article 838 thereof) - This is also

2) 2 X

1131

Mrs Warwick the
Peper Wanted
this morning - news
Whatever mentally
the absence may
perhaps be ordered
if the Commissioners
consider - What
Wanted was had
upon the Learn's
complaint - that his
promotion
scheme was delayed
with the result that
he was passed
from actual life
than what he was
drawing in Madras
at the time - then
Peper was perhaps
sent home

29.VI.07

evident from cer-
-tain cases pending
in this file - To
make sure of the
correctness of the
order to be passed
by us, Please
consult the Compiler

28/6/07

Issue at once
28/6

Submitted to the Secr
Br. +
Learn - with their C.S.
Regs - from - referring
to the Case.
28/6

7 the Submitted. 1.7.1907.
with a note.

X Extract of particles
261 & 262 Ind n/s.

Rd
28.6.01
1080

Compile the precedents
& let me know -
29.6.07

Put 1/7 29/6
Attend to both these points at once
1/7/07

vide separate sheet

2

Note re Sl 16

Submitted to 2nd Councellor
D/27th June 1901. (Sd) Z.A.

2nd Cir order

I returned the file to the office
a couple of hours ago no pay
or allowance is admissible to
the Kearns for the period of
overstay And no leave could
be granted by us even
Specially for that period, as
that would contravene the
provision of the British Service
Regulations which are applicable
to the Kearns, & reference to
the Comptr is perhaps not
necessary; or the same delay
a very elegant D o enquiry
may be made (Sd) C.S
28.6.01

Subd to 2d Connection

Please see the Dewani remarks dated 29th ultimo.

Orders are solicited as to whether Mr Kearns' overstay of leave may be merely condoned as permitted by Art. 163 of the ~~Bengal~~ Mysore Service Regns, or whether he pay for that period may also be sanctioned.

In the latter case, it will perhaps be necessary to refer the matter to the Residency, as Mr Kearns is a Lieut Officer

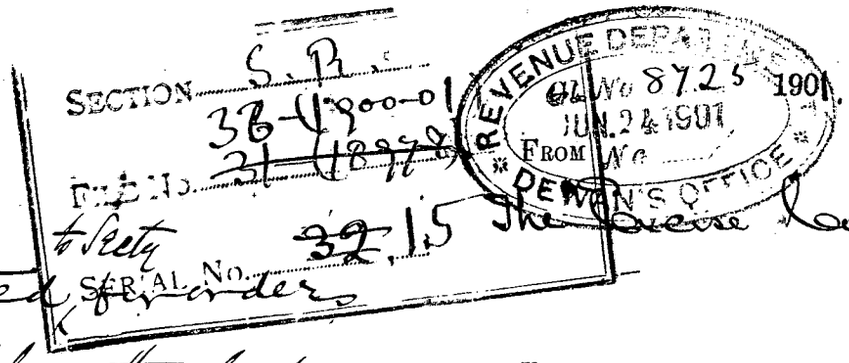
Art. 262 Br: C.S. Regns.

EH
1/7/07

Condone the overstay which was due to circumstances beyond his control & say that no allowances for that period & suitable words the Rules.

EH
2/7/07

Issue
Sd
2/7



Exc. 491

(30) 86 60

Submitted for orders.

The Chief Commissioner in Mysore

To

The Secretary to Govt. of Mysore,
General and Revenue Depts.

Dated 20th
Despatched 22nd } June 1901.
Received

General No. 7296
No. 429
Enclosure No. 2

Subject

States that Mr. Kearns who had gone on two months and twenty five days' privilege leave to England returned to duty on the 15th instant, having overstayed the leave by 10 days owing to an accident to the steamer in which he travelled, and recommends therefore that he may be granted such extra leave as may become due to him by the time he completes his service in the Mysore State on the 30th June 1901, and that any excess may be condoned under article 163 of the Mysore Service Regulations.

KV
29/6/01

The Rules on the subject are put up. Under the circs reported, Mr. Kearns does not lose his appte, but loses his leave allowances for the period he overstayed.

He is not entitled to more leave than what he actually took.

The Revenue Govt recommends that the period overstayed may be condoned as to pay and allowances

HH
25/6/01

Under art. 163 only absence may be condoned -

HM

To the 2nd Councillor

Rec'd
27/6/1901.

Yr Govt rule 163 is exactly the same as the Rule 126 (1) (2) of the British Service Regulations. Mr Kearns case comes under the British Regulations (Vide article 838 thereof) - This is also

Ry
Asst. Sec.
Rec'd 24/6/1901.

Excise Commissioner's Office,

No. 7296/429 Exc 2 Bangalore, Dated 20th/22nd June 1901.

From

The Excise Commissioner
in Mysore.

To

The Secretary to Government of Mysore,
General and Revenue Departments.

Sir,

I have the honour to report that — mr. A. S. Kearns, special Assistant Excise Commissioner, having availed himself on the forenoon of 12th March 1901, of the privilege leave of two months and twenty five days granted in Government notification no. 6801/Sr.Jl-31-97, dated the 6th march 1901, returned to duty on the forenoon of the 15th instant. He thus overstayed the leave by 10 days. This is due to an accident to the Ship by which he travelled, as explained in his report No. A, dated 15th June 1901, a copy of which, together with the certificate granted

3 62 88 =

granted by the steamer agents, is herewith forwarded. As the overstay was necessitated by circumstances beyond his control, I beg to recommend that he may be granted such extra leave as may become due to him by the time he completes the period of his service in the Mysore State up to 30th June 1904, and that any excess may be condoned as to pay and allowances, under article 163 of the Mysore Service Regulations.

I have the honor to be,
Sir,
Your most obedient servant.

M Srinivasaya

Excise Commissioner
in Mysore.

KS

4 6387

No. A Bangalore, Dated 15th June 1901.

Enclosure to Sl No (30/a)

From

A. S. Kearns Esquire

Special Assistant Excise Commissioner

To

The Excise Commissioner

in Mysore.

Sir,

I have the honor to formally intimate that I have reported for duty before you on the forenoon of the 15th June, from the two months and twenty five days' privilege leave sanctioned by Government in Notification No. 6801 / Ex. Js 31-97, dated 6th March 1901, which I availed of in the forenoon of the 12th March 1901. My failure to report myself earlier and within the period of leave sanctioned was due to an accident to the ship by which I travelled. I left Genoa at 7 a.m on the 18th May, but owing to the breakage of the screw shaft,

we

we had to be towed back to Genoa which we reached again only on the following day. As it was then found that the shaft could not be repaired, the passengers had to be transferred to another vessel, which had to be got ready, and she did not eventually leave Genoa until the night of the 22nd May. This was an initial delay of five days. Further delay was due to the new ship not being so fast as the first one and so taking longer on the voyage. We eventually only landed at Bombay on the 12th instant, and as stated above, I reported before you on the forenoon of the 15th idem.

2. I beg to enclose a letter from the Steamer agents explaining the delay.

3. Under these circumstances, I request that Government will be good enough to gazette me to such extra leave as may be due to me by the time I complete the period

of

of my service in Mysore, ie, 30th June 1904,
and that any excess may be condoned as
to pay and allowances under article 163 of the
Mysore Service Regulations. I may mention
that the Rubattino Line of Steamers is
one of those Lines on the list of the Govern-
-ment of India sanctioned for officers
travelling on short leave.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) A. S. Kearns.
Special asst Excise Commissioner

Copy
forwarded for information
[illegible]
Excise Commissioner
in Mysore.

Mod 1

Navigazione Generale Italiana

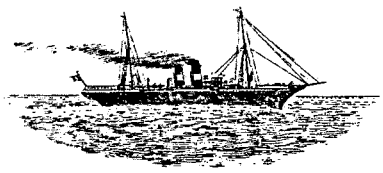
(Società riunite Florio e Rubattino)

SOCIETA ANONIMA
CAPITALE { Sociale Emesso L. 60 000.000 / Versato „ 33.000.000 }
Direzione Generale ROMA
Compartimenti GENOVA PALERMO

Enclosure to Sl32

COMPARTIMENTO DI GENOVA

30/6



DIREZIONE

N.° .....

Genoa 21st May 1901-

Gentlemen,

At the request of Mr. A.S. KEARNS- and for the use of whom it may concern, we beg to declare hereby that our S.S. R.RUBATTINO" sailed from Genoa on the 18th Inst: at 7.A.M. but she was put back owing to her machinery being desabled.

In consequence our Company have been compelled to substitute the said Steamer by the " PO' " which will only be able to leave Genoa on Wednesday evening 22dn May, for Bombay.

We remain, Gentlemen,

Your Obed. Servants.

IL DIRETTORE DEL COMPARTIMENTO DI GENOVA

V.

NAVIGAZIONE GENERALE ITALIANA
COMPARTIMENTO DI GENOVA
DIREZIONE
FLORIO RUBATTINO

Indirizzo per telegrammi: "Navigazione Genova"

Extract from British Service Regulations

Overstaying Leave.

261. (a) An Officer who remains absent after the end of his leave is entitled to no allowance for the period of such absence, and ceases to have a lien on any appointment;—

(i) If his leave was Furlough under the European Service Leave Rules, or Furlough or Leave on Medical Certificate under the Indian Service Leave Rules,— immediately; and

(ii) If it was Special Leave under the European Service Leave Rules, Leave on Private Affairs under the Indian Service Rules or privilege Leave,— after a week, unless, in the case of Officers Stationed in the Andamans & Nicobars, the overstay is authorised by clause (ii) of article 282 (a)

(b) The provisions of this article have no effect on the liability of an

officer overstaying leave in regard to the forfeiture of past service, the rule as to which is contained in article 463(b) in part IV

262 If the Local Government is satisfied that the default of an officer is due to circumstances beyond his control, it may exempt him from loss of appointment under clause (a) of the preceding article, but not from loss of allowances during the period of his absence without leave The Local Government may authorize the payment to an officer subject to the Indian Service Leave Rules of as much as it thinks fit of any allowances during Subsidiary Leave under clause (ii) of Article 352(a), to which he would have been entitled if he had not remained absent after the end of his Furlough, or Leave on private affairs or Leave on Medical Certificate.

~~10 6995~~

Extract from the Imperial Service Regulations

Art 162 (a) An officer who remains absent after the end of his leave is entitled to no allowances for the period of such absence and ceases to have a lien on any appointment;

(1) if his leave was furlough or leave on Medical Certificate, - immediately; and

(2) if it was leave on private affairs or privilege leave - after a week.

× × × ×

Art 163 - If the default of an officer is due to circumstances beyond his control, he may be exempted from loss of appointment under clause (a) of the preceding article, but not from loss of allowances during the period of his absence without leave.

Submitted to Section S. R. 33 (1900-01)
previous 2 (1897-8) From
The papers were sub-
SECTION
mitted to 2nd Committee on
27th June 1901 (at 12 noon)

This letter is submitted
in continuation.
28/6/01

Urgent
1901.
Ex 493

DEWAN'S OFFICE
JUN 27 1901

The Excise Commissioner
in Mysore.

To
The Secretary to Govt. of Mysore,
General and Revenue Depts.

Dated 25th
Despatched 26th } June 1901.
Received

General No. 7413
No. 433

Enclosure No. 1

Subject

Submits in continuation of this office letter No. 7296/429, dated 20th/22 instant, Comptroller's certificate regarding the amount of privilege leave which will be at Mr. Kearn's credit on the 1st July 1901.

Rs 27/6/01
42 M.

I do not think that Mr Kearn should be granted any privilege leave on full pay. He has already had 4 months leave on half pay and I do not see why he should be granted any more leave on full pay. He has already had 4 months leave on half pay and I do not see why he should be granted any more leave on full pay. He has already had 4 months leave on half pay and I do not see why he should be granted any more leave on full pay.

28/6/01.

Urgent

No. 7413/433 Exc/

Excise Commissioners Office,
Bangalore, Dated 25th/26th June 1901.

From

The Excise Commissioner
in Mysore

To

The Secretary to Government of Mysore,
General and Revenue Departments.

Sir,

In continuation of my letter No. 7296/429, dated the 21st/22nd instant, I have the honour to submit herewith the Comptroller's certificate stating how much privilege leave Mr. Kearns will have at his credit on the 1st July 1901.

2. As Mr. Kearns wishes to take the Last Pay certificate with him, when he leaves Bangalore on the night of the 30th instant, I beg to solicit that early orders may be passed in regard to the pay and allowances for the nine days by which he overstayed the leave granted to him.

I have the honour to be,
Sir,
Your most obedient Servant.
B. Rice
Excise Commissioner
in Mysore.

COMPTROLLER'S OFFICE

Fin]

No. 512

BANGALORE,

Dated 25 June 1901

Leave Certificate

Certified that Mr. A. S. Kearns Special Excise

Assistant Commissioner

under the Mysore Government ~~is entitled to~~ will have at his credit

2 days privilege leave on 1 July 1901

~~leave~~ under Article 188 (2) of the Mysore Service Regulations. but he cannot avail himself of it as he will not have put in six months Service since his return from last privilege leave

Forwarded to the Excise Commissioner in Mysore

with reference to his docket No. 7330/2190 dated 24 June 1901

Ag Eagle

Asst. Comptroller

SM

Office Notice

Months Days

Leave at credit on

Leave since earned

Total

Deduct Casual Leave for days granted in Notification

Net entitled to on the date of the Certificate

SEC S. P.
33-(1900-01)
FILE ~~31-(1897-8)~~
SER ~~34~~ 17

(32)

~~7 to 100~~
~~11~~ 15

Dear Mr Subbarayan

Will you kindly
state your opinion in
the ~~Act~~ Case involved
in the Papers herewith
sent? As an urgent
disposal is required,
I have sent the Papers
with the Excise Clerk

Yours ever sincerely

H. Macpherson

D 8/6

My dear Mr Macpherson

Please see Art 261
& 262 of British
Patent Rules which
are very clear on the
point - Jean Bart
no claim appears
in the Specification

SECTION S. R.
FILE NO. ~~31 (1897-8)~~ 33 (1900-01)
SERIAL ~~35~~ 18

Fair Draft 102 ~~75~~ 1

Read: 33 1

Correspondence ending with
letter no 7413/433 dated 25th
June 1901 from the Excise
Commr in Mysore, reporting
that Mr A.S. Kearns, Special Excise
Assistt Commr who was
granted privilege leave for
2 months and 25 days by noti-
fication no 6801/Ex.7.31-97 dated 6th
March 1901, returned to duty
on the forenoon of the 15th June
1901, overstaying his leave
by 10 days owing to an accident
to the ship in which he sailed,
and recommending that as the
overstay ~~was~~ was due to causes
beyond his control, his absence
may be condoned and that
he may be given allowances
for

for the period of overstay

Order thereon:—

54-5
Ex. F. 31. 97 2/3/7/1901
3

Under Article 163
of the Mysore Service Regulations
Government are pleased to
condone the overstay of privilege
leave by Mr. Kearns, Special
Excise Assistt. Commr., referred
to in the above.

2. No allowances for
that period is admissible
under the Rules

3/7/01
For Secretary

To
The Excise Commr.
in Mysore
" Comptroller, M. & C.